



Ninety-Eighth Legislature - First Session - 2003
Committee Statement
LB 754

Hearing Date: February 25, 2003

Committee On: Agriculture

Introducer(s): (Bromm, Burling, Stuhr, Wehrbein, Jones, Erdman, Stuthman)

Title: Provide criteria to recognize livestock friendly counties and change requirements for livestock waste control facilities relating to zoning

Roll Call Vote – Final Committee Action:

Advanced to General File

X Advanced to General File with Amendments

Indefinitely Postponed

Vote Results:

7	Yes	Senators Kremer, Erdman, Burling, Cunningham, Mossey, Preister, Vrtiska
0	No	
0	Present, not voting	
1	Absent	Senator Chambers

Proponents:

Senator Curt Bromm
Greg Ibach
Senator Roger Wehrbein
Steve Wolfe
Mike Briggs
Mark Olmer
Jerry Niewhoner
Mark McHargue
Ron Lorenz
Mike Fleming
Steve Ebke
Jim Tighe
Doug Hall
Diana Wubbenhorst
Dean Settje
Jeff Miller
Rod Johnson

Representing:

Introducer
NE Dept. of Agriculture
co-sponsor
NE Farm Bureau
NE Cattlemen
NE Farm Bureau
self
NE Farm Bureau
self
Mike's Auto Sales
NE Corn Growers Assn
M.G. Waldbaum/Michael Foods
self
NE Farm Bureau
self
Speak Up for Agriculture
NE Pork Producers Assn

Opponents:

Steve Virgil

Representing:

self

Elaine Menzel
Jim Kube
Kathryn Russell
Elden Wesely
Steve Cady
Shona Heim
Ben Peters
Darla Svoboda
Laura Krebsbach
Brian Brandt
Dennis Demmel
Thomas W. Brown
Amy Svoboda
Kevin Raun
John K. Hansen

NE Assoc of County Officials
self
Zoning Adm., County Gov't
self
self
self
self
Zoning Adm., (NACO Rep.)
Sierra Club
self
self
self
self
self
NE Farmers Union

Neutral:
none

Representing:

Summary of purpose and/or changes:

LB 754 states legislative findings that there is a need to address significant issues relating to the growth and regulation of Nebraska's livestock industry and includes the following provisions:

- Assigns a duty to the Director of Agriculture to develop criteria to designate counties which apply for the designation as livestock friendly counties and to adopt and promulgate rules and regulations to carry out this duty.
- Amends 54-2412 to create a presumption of conformance with local zoning regulations for livestock waste confinement facilities that receive DEQ permit approval. Specifically, the bill shifts the burden of proof to the local zoning authority once a permit is issued by DEQ to show that a livestock confinement operation does not comply with local zoning regulations if the facility is to be located in an area zoned for agricultural purposes.

The bill contains the emergency clause

Explanation of amendments, if any:

The Committee amendments strike the original provisions and become the bill. As rewritten, LB 754 would contain the following elements:

- Revises the statement of intent section to state legislative intent to seek means to nurture the states livestock industry
- Revises provisions pertaining to the livestock friendly program in a manner to define the goals of this provision to provide support to counties that wish to promote the livestock industries in their counties and to provide additional guidance to the Department of Agriculture in establishing the program. The amendment adds a new concept that the Department establish a resource data base accessible by county planning authorities to assist in evaluating conditional use applications.

- Adds new section to amend 23-114.01 to add two modifications to the conditional use permit process:
 - Allow applicants for conditional use permits to request a “final determination” by the planning commission (or the county board if the county has retained for itself the power to grant conditional use permits). The final determination may be made subject to conditions identified by the zoning authority, including but not limited to acquisition of state permits
 - Requires planning commission or county board to provide, with its decision to grant or deny a permit, a statement of factual findings based on the evidence contained in the record of proceedings, that support the decision to grant or deny the permit.
- Retains the emergency clause

Senator Bob Kremer, Chairperson